

REMARKS

Basis for the Amendment to Claim 1 may be found in original Claim 3.

In paragraph 4 of the Office Action claims 1-18 have been rejected under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-20 of U.S. Patent No. 6,431,701. In accordance with 37 CFR 1.321(c) enclosed is a terminal disclaimer which is believed to overcome the double patenting rejection. Reconsideration is requested.

In paragraph 5 of the Office Action claims 1-18 have been rejected under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-20 of U.S. Patent No. 6,447,110. In accordance with 37 CFR 1.321(c) enclosed is a terminal disclaimer which is believed to overcome the double patenting rejection. Reconsideration is requested.

In paragraph 6 of the Office Action claims 1-18 have been rejected under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-20 of copending U.S. Application No. 09/944,547. In accordance with 37 CFR 1.321(c) enclosed is a terminal disclaimer which is believed to overcome the double patenting rejection. Reconsideration is requested.

In paragraph 7 of the Office Action claims 1-18 have been rejected under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-20 of U.S. Patent No. 6,447,111. In accordance with 37 CFR 1.321(c) enclosed is a terminal disclaimer which is believed to overcome the double patenting rejection. Reconsideration is requested.

In paragraph 8 of the Office Action claims 1-18 have been rejected under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-20 of copending U.S. Application No. 09/943,952. In accordance with 37 CFR 1.321(c) enclosed is a terminal disclaimer which is believed to overcome the double patenting rejection. Reconsideration is respectfully requested.

In paragraph 10 of the Office Action claims 1-18 stand rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention. The Examiner states that the use of the phrase "at least about 20 mole %" renders the claims ambiguous. The Examiner suggests that the term "about" be removed. By the amendments above, this phrase has been corrected as suggested by the Examiner. Therefore, it is respectfully requested that this rejection be reconsidered and withdrawn.

In paragraph 12 of the Office Action claims 1-14 stand rejected under 35 USC § 103(a) as being unpatentable over Asatake et al. JP 11-180034. The Examiner states that Asatake et al. discloses a recording material comprising a substrate and a receiving layer. The Examiner states that the ink receiving layer of Asatake et al. comprises latex polymer that is equivalent to applicant's cationic mordant moiety. The Examiner states that the ink receiving layer of Asatake et al. comprises a matting agent such as silica or organic particles. The Examiner states that the matting agent is equivalent to applicant's claimed particle component and possess a particle size within the Applicant's claims. This rejection is respectfully traversed.

The ink jet recording element of Asatake et al. comprises an acceptance layer that comprises cationic polymeric particles and a matting agent. The matting agent is present in a very small amount. It is indicated in paragraph 71 that the coating of the acceptance layer is between 5 and 100 g/m² and in paragraph 76 that the matting agent is present in an amount that is between 10 and 100 mg/m². Taking the 10 mg/m² of matting agent against the lowest amount of the acceptance coating of 5 g/m² it is apparent that the matting agent is present at most in an amount of 2%. Given this small amount of the matting agent ((a) particles) it would not be possible to form a porous image receiving layer as is required by the instant claims. The ink jet recording element of Asatake et al. does not have the voids created by the spaces between the (a) particles as in the instant invention since the (a) particles of Asatake et al. are present in a very small amount indicating that the spaces in between them would be filled with polymer. The Examiner's attention is drawn to the examples in the instant specification where the (a) particle is shown in an amount of 86% of the image-receiving layer. This is in contrast to the 2% maximum amount of matting agent that is possible in the Asatake et al. reference. It is well known in the art that a 2% loading of particles will not create a porous image-receiving layer. There is no disclosure or

suggestion in Asatake et al. to form a porous member such as instantly claimed. Therefore, it is respectfully requested that this rejection be reconsidered and withdrawn.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "**Version with Markings to Show Changes Made.**"

Therefore, it is respectfully urged that the rejections under 112, 103 and double patenting be reconsidered and withdrawn and that an early Notice of Allowance be issued in this application.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Paul A. Leipold", written over a horizontal line.

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Version with Markings to Show Changes Made

In the Specification:

Please amend Page 1 of the application as follows:

INK JET RECORDING ELEMENT

CROSS REFERENCE TO RELATED APPLICATIONS

Reference is made to commonly assigned, co-pending U.S. Patent Applications:

Serial Number [] 09/945,085 by Gallo et al., [(Docket 83172) filed of even date herewith] filed 31 August 2001 entitled "Ink Jet Printing Method";

Serial Number [] 09/944,618 by Sadasivan et al., [(Docket 82378) filed of even date herewith] filed 31 August 2001 entitled "Ink Jet Recording Element";

Serial Number [] 09/944,619 by Chu et al., [(Docket 82813) filed of even date herewith] filed 31 August 2001 entitled "Ink Jet Printing Method";

Serial Number [] 09/943,952 by Sadasivan et al., [(Docket 82379) filed of even date herewith] filed 31 August 2001 entitled "Ink Jet Recording Element";

Serial Number [] 09/944,555 by Chu et al., [(Docket 82814) filed of even date herewith] filed 31 August 2001 entitled "Ink Jet Printing Method";

Serial Number [] 09/943,957 by Sadasivan et al., [(Docket 83323) filed of even date herewith] 31 August 2001 entitled "Ink Jet Recording Element";

Serial Number [] 09/945,035 by Gallo et al., [(Docket 83322) filed of even date herewith] filed 31 August 2001 entitled "Ink Jet Printing Method";

Serial Number [] 09/944,547 by Sadasivan et al., [(Docket 82380) filed of even date herewith] 31 August 2001 entitled "Ink Jet Recording Element";

and

Serial Number [] 09/945,088 by Gallo et al., [(Docket 82816) filed of even date herewith] 31 August 2001 entitled "Ink Jet Printing Method".

FIELD OF THE INVENTION

The present invention relates to a porous ink jet recording element.

In the Claims

Please amend Claims 1 and 4 as follows:

1. An ink jet recording element comprising a support having thereon a porous image-receiving layer comprising:
 - (a) particles having a mean particle size of from greater than 0.04 μm to about 5 μm ; and
 - (b) water insoluble, cationic, polymeric particles comprising at least [about] 20 mole percent of a cationic mordant moiety wherein said porous image-receiving layer also contains a binder in an amount up to 20 weight %.
- [3. The recording element of Claim 1 wherein said porous image-receiving layer also contains a binder in an amount up to about 20 weight %.]
4. The recording element of Claim [3] 1 wherein said binder is a hydrophilic polymer.